

ITEM NO.48

COURT NO.3

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9885/2013

(Arising out of impugned final judgment and order dated 29/01/2013  
in CRA No. 1018/2003 passed by the High Court Of Punjab & Haryana  
At Chandigarh)

RAJ KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(with appln. (s) for bail and office report)

Date : 14/07/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Dr. Adish C.Aggarwala, Sr. Adv.  
Mr. Aditya Singh, adv.  
Mr.Amish Aggarwala, Adv.  
Mr. Satish Aggarwal ,Adv.

For Respondent(s)

Mr. Manjit Singh,AAG,  
Ms. Vivekta Singh, Adv.  
Ms. Nupur Choudhary, Adv.  
Mr. Kamal Mohan Gupta ,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed

Signature Not Verified order.

Digitally signed by

Shashi Sareen

Date: 2014.07.19

05:38:42 ALMT

Reason:

(Shashi Sareen)

Court Master

( The Signed Order is placed on the file.)

(Veena Khera)

Court Master

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1467 OF 2014

(Arising out of SLP(Crl.) No. 9885 of 2013)

RAJ KUMAR

.. Appellant(s)

Versus

STATE OF HARYANA

.. Respondent(s)

O R D E R

Leave granted.

The appellant a Junior Engineer with the Haryana Electricity Board was prosecuted for offences punishable under Sections 7 and 13 (1)(d) of the Prevention of Corruption Act, 1988 and eventually found guilty and sentenced to rigorous imprisonment for one year under Section 7 and two years' under Section 13(1)(d) of the Act. A sum of Rs. 5,000/- towards fine under Section 7 and Rs. 25,000/- under Section 13(1)(d) was also imposed with the direction that in case of non payment of fine, the appellant shall undergo imprisonment for a further period of three months under Section 7 and six months

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under Section 13(1)(d).

In an appeal preferred against the said conviction and sentence, the High Court concurred with the view taken by the Trial Court. The present appeal assails the correctness of the said judgment and order.

When the matter initially came up before us on 07.02.2014 we had issued notice to the respondent-State of Haryana limited to the question of sentence awarded to the appellant. We have accordingly heard learned counsel for the parties on that limited question. The incident had taken place as early as in the year July, 2001. The amount allegedly recovered from the appellant in consequence of trap alleged against him was Rs. 1,000/-. The appellant has, already in consequence of the conviction recorded against him, been dismissed from service. In the circumstances, therefore, we are

inclined to modify the sentence awarded to the appellant by reducing the period of two years imprisonment to a period of one year under Section 13(1)(d) of the Act.

Insofar as the sentence awarded to the appellant for the offence punishable under Section 7 is concerned, the same shall remain unaltered.

In the result we allow this appeal and in modification of the orders passed by the courts below direct that the appellant shall stand sentenced to a period of one year

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rigorous imprisonment for the offences under Sections 7 and 13(1)(d) of the Act. The sentence of fine and default sentence awarded by the courts below shall also remain unaltered. The sentences shall run concurrently.

.....J.  
(T.S.THAKUR)

.....J.  
(ADARSH KUMAR GOEL)

New Delhi,  
July 14th, 2014.